

Exhibit F

***CONTAINS WAYMO'S HIGHLY CONFIDENTIAL
INFORMATION- ATTORNEYS EYES ONLY***

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Attorneys for Defendant: Otto Trucking LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto
Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANT OTTO TRUCKING LLC'S
OBJECTIONS AND RESPONSES TO
PLAINTIFF WAYMO LLC'S SECOND
SET OF COMMON INTERROGATORIES**

Courtroom: 8
Judge: Hon. William Alsup

1 PROPOUNDING PARTY: Plaintiff: WAYMO LLC

2 RESPONDING PARTY: Defendant: OTTO TRUCKING LLC

3 SET NO.: Second Set of Common Interrogatories

4 Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant Otto Trucking LLC
5 (“Otto Trucking”) hereby provides objections and responses (“Objections” and “Responses”) to
6 Plaintiff Waymo LLC’s (“Waymo”) Second Set of Common Interrogatories (the “Interrogatories”) served by Waymo on Otto Trucking on June 30, 2017.

8 **PRELIMINARY STATEMENT**

9 Otto Trucking states that it is responding to the Interrogatories to the best of its present
10 ability. While these Responses are based upon appropriate investigation by Otto Trucking and its
11 counsel, they reflect the current state of Otto Trucking’s knowledge respecting the matters about
12 which inquiry is made. Thus, the information contained herein remains subject to further review,
13 and, in making these Responses, Otto Trucking reserves the right to amend, supplement, and/or
14 otherwise change its Responses to these Interrogatories as further investigation and discovery may
15 make appropriate in accordance with Otto Trucking’s obligations under the Federal Rules of Civil
16 Procedure. Furthermore, Otto Trucking has prepared this Response based on its good faith
17 interpretation and understanding of each individual Interrogatory, but Otto Trucking reserves its
18 right to correct any errors or omissions.

19 Otto Trucking does not waive or intend to waive any objections that it may have regarding
20 the use of any information provided, and Otto Trucking expressly reserves the rights to: (a) object to
21 Waymo’s use of any information provided on the ground of inadmissibility; and (b) object on any
22 and all proper grounds, at any time, to any other discovery involving or relating to any information
23 produced. No incidental or implied admissions are intended by the Responses set forth herein.
24 These Responses are made solely for the purpose of this action. Nothing herein shall be construed as
25 an admission respecting the admissibility or the relevance of any facts, documents, or information,
26 as an admission that documents or information exist, or as an admission as to the truth or accuracy of
27 any characterization or assertion contained in any Interrogatory. Each Response is subject to all
28 objections as to competence, relevance, materiality, propriety, and admissibility, and any and all

1 other objections on grounds that would require the exclusion of any statement herein if any of the
 2 Interrogatories were asked of, or statements contained herein were made by, a witness present and
 3 testifying in court, all of which objections and grounds are reserved and may be interposed at the
 4 time of trial.

5 **SPECIFIC RESPONSES AND OBJECTIONS**

6 **COMMON INTERROGATORY NO. 4:**

7 Identify each alleged WAYMO trade secret from “Plaintiff’s List of Asserted Trade Secrets
 8 Pursuant to Cal. Code Civ. Proc. Section 2019.210,” served on March 10, 2017, that YOU contend is
 9 not MISAPPROPRIATED by DEFENDANTS, and identify all facts and DOCUMENTS (by Bates
 10 number) that YOU believe support YOUR contention.

11 **RESPONSE TO COMMON INTERROGATORY NO. 4:**

12 Otto Trucking objects to this Interrogatory to the extent that it seeks information outside its
 13 possession, custody, or control. Otto Trucking will only respond as to Otto Trucking. Otto Trucking
 14 also objects to this Interrogatory to the extent that it assumes that Waymo’s alleged trade secrets are
 15 in fact trade secrets, have not been disclosed to third parties, or were not independently developed by
 16 other companies. Subject to and without waiving the foregoing objections, Otto Trucking states:

17 Neither Otto Trucking nor Otto Transport have been involved in the development or use of
 18 any LiDAR technology developed by Uber, including, but not limited to, the Spider and Fuji designs
 19 The only LiDAR devices on trucks owned or leased by Otto Trucking and/or Otto Transport use
 20 third party Velodyne devices. Accordingly, Otto Trucking states that none of the purported trade
 21 secrets identified in Waymo’s 2019 Disclosures have been misappropriated by Otto Trucking.

22 **COMMON INTERROGATORY NO. 5:**

23 Identify each alleged WAYMO trade secret from “Plaintiff’s List of Asserted Trade Secrets
 24 Pursuant to Cal. Code Civ. Proc. Section 2019.210,” served on March 10, 2017, that YOU contend
 25 lacks independent economic value from not being generally known, and identify all facts and
 26 DOCUMENTS (by Bates number) that YOU believe support YOUR contention.

RESPONSE TO COMMON INTERROGATORY NO.5:

Otto Trucking objects to this Interrogatory to the extent that it seeks information that is a subject for expert testimony. Otto Trucking will disclose its expert opinions according to the schedule set forth by the Court. Otto Trucking also objects to this Interrogatory to the extent that it assumes that Waymo's alleged trade secrets are in fact trade secrets, are not generally known, have not been disclosed to third parties, or were not independently developed by other companies.

Subject to and without waiving the foregoing objections, Otto Trucking states:

Waymo's identified features are merely design choices that are present in other devices, including devices developed by third parties. No individual design choice has independent economic value for not being known, and, in many cases, they are known by third parties. [REDACTED]

[REDACTED] A purported trade secret that is generally known thus has no economic value.

Otto Trucking incorporates Uber's and Ottomotto's response to Common Interrogatory 5. Otto Trucking further incorporates its response to Common Interrogatory No. 6 for examples of additional ways in which the purported trade secrets have been disclosed or are generally known.

Discovery is ongoing. Otto Trucking reserves the right to supplement its responses as additional information becomes available.

COMMON INTERROGATORY NO.6:

Identify each alleged WAYMO trade secret from "Plaintiff's List of Asserted Trade Secrets Pursuant to Cal. Code Civ. Proc. Section 2019.210," served on March 10, 2017, that YOU contend is not subject of efforts that are reasonable under the circumstances to maintain its secrecy, including any contention that the trade secret is generally known in the industry, not secret, or readily ascertainable, and identify all facts and DOCUMENTS (by Bates number) that YOU believe support YOUR contention.

RESPONSE TO COMMON INTERROGATORY NO. 6:

Otto Trucking objects to this Interrogatory to the extent that it seeks information that is a subject for expert testimony. Otto Trucking will disclose its expert opinions according to the schedule set forth by the Court. Otto Trucking also objects to this Interrogatory to the extent that it seeks information relating to Waymo's security practices, which Waymo has not sufficiently disclosed or identified such that Otto Trucking could contend whether the security practices are sufficient or not. Otto Trucking also objects to this Interrogatory to the extent that it assumes that Waymo's alleged trade secrets are in fact trade secrets, are not generally known, have not been disclosed to third parties, or were not independently developed by other companies.

Subject to and without waiving the foregoing objections, Otto Trucking refers Waymo to the testimony of Gaetan Pennecot at 429:11-431:10 that identifies a number of ways that Waymo's LiDAR has been disclosed to third parties and/or the public. In addition, Otto Trucking states that testimony provided by Waymo witnesses and Waymo's own interrogatory responses have demonstrated the inadequacy of Waymo's security practices.

[REDACTED]

[REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
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16 [REDACTED]
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18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

[REDACTED]

In addition, in the parties' meet and confer discussions regarding Waymo's retention of metadata from its SVN server, Waymo stated that it discovered that Mr. Levandowski allegedly downloaded 14,000 documents containing Waymo trade secrets on September 19, 2016. This demonstrates that Waymo did not have proper security tools to monitor activity on the SVN server and alert it to unusual activity or significant downloads of files. Or if it did have these security features, Waymo did not have adequate processes for reviewing and addressing these alerts. [REDACTED]

[REDACTED]

Moreover, although Otto Trucking believes that Waymo's investigation into Mr. Levandowski began well before September 2016, if indeed Waymo only reviewed the log data as of that date, Otto Trucking

1 contends that Waymo did not have adequate procedures for investigating whether former employees
2 retained any purported trade secrets upon their departure from the company. [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED] Finally, if Waymo indeed discovered the
9 alleged downloading on September 19, 2016, Waymo waited over five months to initiate any action
10 to obtain the return of its purported trade secrets, and to date, has never initiated any action against
11 Mr. Levandowski for misappropriation of trade secrets. If the information contained in the 14,000
12 files contained trade secrets, this delay was not reasonable and demonstrates Waymo's failure to
13 adequately protect its trade secrets.

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 Otto Trucking also incorporates Uber's response to this Interrogatory.

27 Discovery is ongoing. Otto Trucking reserves the right to supplement its responses as
28 additional information becomes available.

COMMON INTERROGATORY NO.7:

If YOU contend that any of the alleged WAYMO trade secrets disclosed in “Plaintiff’s List of Asserted Trade Secrets Pursuant to Cal. Code. Civ. Proc. Section 2019.210” served on March 10, 2017 was derived independently by YOU or a third party, then separately by trade secret state YOUR complete legal and factual basis for that contention.

RESPONSE TO COMMON INTERROGATORY NO. 7:

Otto Trucking objects to this Interrogatory to the extent that it seeks information in the possession, custody, or control of Waymo or third parties. Otto Trucking also objects to this Interrogatory to the extent that it assumes that Waymo’s alleged trade secrets are in fact trade secrets, have not been disclosed to third parties, were not generally known, or were not independently developed by other companies. Subject to and without waiving the foregoing objections, Otto Trucking states:

Neither Otto Trucking nor Otto Transport has been involved in the development of LiDAR technology. The only LiDAR devices on trucks owned or leased by Otto Trucking and/or Otto Transport use third party Velodyne devices. Accordingly, Velodyne is in the best position to describe its development, not Otto Trucking. [REDACTED]

[REDACTED]

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VERIFICATION

I, Rhian Morgan, declare that I have reviewed Otto Trucking LLC's DEFENDANT OTTO TRUCKING LLC'S OBJECTIONS AND RESPONSES TO PLAINTIFF WAYMO LLC'S SECOND SET OF COMMON INTERROGATORIES and know its contents.

I am Corporate Secretary at Otto Trucking LLC, a party to this action, and am authorized to make this verification for and on its behalf. I am informed and believe and on that basis state that the responses provided therein are true and correct.

I have not reviewed information designated by plaintiff Waymo, LLC as "Highly-Confidential – Attorneys' Eyes Only" under the PATENT LOCAL RULE 2-2 INTERIM MODEL PROTECTIVE ORDER, but am informed and believe that the redacted information in these responses contain accurate representations of the materials relating to Waymo, LLC.

I certify under penalty of perjury that the foregoing is true and correct.

Executed this 31st day of July, 2017 in Pittsburgh, PA



Rhian Morgan Corporate Secretary
Otto Trucking LLC

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is: 601 South Figueroa Street, 41st Floor, Los Angeles, California 90017.

On **July 31, 2017**, I served the following documents by placing a true copy thereof in a sealed envelope(s) on the persons below as follows:

**DEFENDANT OTTO TRUCKING LLC'S OBJECTIONS AND RESPONSES TO
PLAINTIFF WAYMO LLC'S SECOND SET OF COMMON INTERROGATORIES**

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☒ (E-MAIL or ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction this service was made and that the foregoing is true and correct.

Executed on **July 31, 2017**, at Los Angeles, California.

Hong-An Vu
(Type or print name)

/s/ Hong-An Vu
(Signature)

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